

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**RALEY'S CORP. dba RALEY'S
PHARMACY #247
1842 Fort Jones Street
Yreka, CA 96097**

Original Permit Number PHY 30855

and

**RALEY'S HOLDING COMPANY dba
RALEY'S PHARMACY #247
1842 Fort Jones Street
Yreka, CA 96097**

Original Permit Number PHY 53495

and

RUSSELL DEAN SANDERS

Original Pharmacist License No. RPH 30311

Respondents.

Case No. 5536

OAH No. 2016040522

**RALEY'S CORP. dba RALEY'S
PHARMACY #247, Original Permit
Number PHY 30855 ONLY**

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand for Respondent Raley's Original Permit Number PHY 30855 is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 28, 2016.

It is so ORDERED on September 28, 2016.

**BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 PHILLIP L. ARTHUR
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Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 5536

12 **RALEY'S CORP. dba RALEY'S**
13 **PHARMACY #247**
14 **1842 Fort Jones Street**
Yreka, CA 96097

OAH No. 2016040522

15 **Original Permit Number PHY 30855**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL [RALEY'S CORP. dba
RALEY'S PHARMACY #247, Original
Permit Number PHY 30855 ONLY]

16 **and**

[Bus. & Prof. Code § 495]

17 **RALEY'S HOLDING COMPANY dba**
18 **RALEY'S PHARMACY #247**
19 **1842 Fort Jones Street, Yreka, CA 96097**
20 **Yreka, CA 96097**

Original Permit Number PHY 53495

21 **and**

22 **RUSSELL DEAN SANDERS**
23 **P.O. Box 9**
Grenada, CA 96038-0009

24 **Original Pharmacist License No. RPH 30311**

25 **Respondents.**

26 **///**

27 **///**

28 **///**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 PARTIES

4 1. VIRGINIA HEROLD (Complainant) is the Executive Officer of the Board of
5 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
6 by Kamala D. Harris, Attorney General of the State of California, by Phillip L. Arthur, Deputy
7 Attorney General.

8 2. Respondents Raley's Corp. dba Raley's Pharmacy #247 and Raley's Holding
9 Company dba Raley's Pharmacy #247 (Respondent Raley's) are represented in this proceeding
10 by attorney Anthony D. Lauria, whose address is: Lauria Tokunaga Gates & Linn, LLP,
11 Attorneys at Law, 1755 Creekside Oaks Dr., Suite 240, Sacramento, CA 95833.

12 3. On or about November 1, 1984, the Board of Pharmacy issued Original Permit No.
13 PHY 30855 to Raley's Corp. dba Raley's Pharmacy #247 (Respondent Raley's). The Pharmacy
14 Permit was in full force and effect at all times relevant to the charges brought in Accusation No.
15 5536, however it was canceled on May 20, 2015 pursuant to a change of ownership and has not
16 been renewed.

17 4. On or about May 19, 2015, the Board of Pharmacy issued Original Permit Number
18 PHY 53495 to Raley's Holding Company dba Raley's Pharmacy #247 (Respondent Raley's).
19 The Original Permit is in full force and effect and will expire on May 1, 2017, unless renewed.

20 5. On or about June 22, 1976, the Board of Pharmacy issued Original Pharmacist
21 License Number RPH 30311 to Russell Dean Sanders (Respondent Sanders). Respondent
22 Sanders was the Pharmacist-in-Charge of Respondent Raley's from May 3, 1990 through January
23 18, 2014. The Original Pharmacist License was in full force and effect at all times relevant to the
24 charges brought herein, however it expired on September 30, 2014, and has not been renewed.

25 JURISDICTION

26 6. Accusation No. 5536 was filed before the Board of Pharmacy (Board), Department of
27 Consumer Affairs and is currently pending against Respondents. The Accusation and all other
28 statutorily required documents were properly served on Respondents on March 10, 2016.

Respondent Raley's timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 5536 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent Raley's has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 5536. Respondent Raley's has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

8. Respondent Raley's is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the

California Administrative Procedure Act and other applicable laws.

9. Respondent Raley's voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent Raley's admits that at hearing Complainant could establish a factual basis for charges and allegations in Accusation No. 5536, and that those charges and allegations are cause for discipline. Respondent Raley's hereby gives up their right to contest those charges and allegations.

11. Respondent Raley's agrees that its Pharmacy Permit No. PHY 30855 is subject to discipline and they agree to be bound by the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent Raley's understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent Raley's or its counsel. By signing the

1 stipulation, Respondent Raley's understands and agrees that they may not withdraw its agreement
2 or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the
3 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
4 Disciplinary Order for Public Reapproval shall be of no force or effect, except for this paragraph, it
5 shall be inadmissible in any legal action between the parties, and the Board shall not be
6 disqualified from further action by having considered this matter.

7 13. The parties understand and agree that Portable Document Format (PDF), electronic,
8 and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reapproval,
9 including Portable Document Format (PDF), electronic, and facsimile signatures thereto, shall
10 have the same force and effect as the originals.

11 14. This Stipulated Settlement and Disciplinary Order for Public Reapproval is intended by
12 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
13 of their agreement. It supersedes any and all prior or contemporaneous agreements,

14 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
15 Settlement and Disciplinary Order for Public Reapproval may not be altered, amended, modified,
16 supplemented, or otherwise changed except by a writing executed by an authorized representative
17 of each of the parties.

18 15. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 30855 issued to Respondent
23 Raley's Corp. dba Raley's Pharmacy #247 (Respondent Raley's) shall be publicly reprovved by the
24 Board of Pharmacy under Business and Professions Code section 495 based on the allegations set
25 forth in Accusation No. 5536 which is attached hereto as Exhibit A and incorporated by reference
26 as though fully set forth herein. The charges in Accusation No. 5536 against Respondent Raley's
27 Pharmacy Permit No. PHY 53495 are hereby withdrawn.

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1 IT IS FURTHER ORDERED that Respondent Raley's shall comply with terms and
2 conditions as set for the below. Any violation of the terms and conditions shall constitute
3 unprofessional conduct and grounds for further disciplinary action.

4 1. **Cost Recovery.** Respondent Raley's shall pay \$4,685.00 to the Board for its costs
5 associated with the investigation and enforcement of this matter. Respondent Raley's shall pay
6 these costs within thirty (30) days of the effective date of the Decision. If Respondent Raley's
7 fails to pay the Board costs as ordered, Respondent Raley's shall not be allowed to renew their
8 Pharmacy Permit No. PHY 53495 until Respondent Raley's pays costs in full.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
11 Reproval and have fully discussed it with my attorney, Anthony D. Lauria. I understand the
12 stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated
13 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
14 and agree to be bound by the Decision and Order of the Board of Pharmacy.

15
16 DATED: 6/21/2014

W. L. Worthy
17 RALEY'S CORP. DBA RALEY'S PHARMACY #247
18 WILLIAM WORTHY
19 VICE PRESIDENT OF RALEY'S PHARMACY &
WELLNESS
Respondent

20 I have read and fully discussed with Respondent Raley's Corp. dba Raley's Pharmacy #247
21 the terms and conditions and other matters contained in the above Stipulated Settlement and
22 Disciplinary Order for Public Reproval. I approve its form and content.

23 DATED: 7/5/14

Anthony D. Lauria
24 Anthony D. Lauria
Attorney for Respondent Raley's

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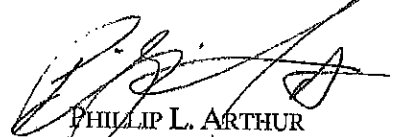
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 7/6/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


PHILIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5536

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Attorneys for Complainant

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11 In the Matter of the Accusation Against:

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12 **RALEY'S CORP. dba RALEY'S**
13 **PHARMACY #247**
14 **1842 Fort Jones Street**
Yreka, CA 96097

ACCUSATION

15 **Original Permit Number PHY 30855**

16 **and**

17 **RALEY'S HOLDING COMPANY dba**
18 **RALEY'S PHARMACY #247**
18 **1842 Fort Jones Street, Yreka, CA 96097**
19 **Yreka, CA 96097**

20 **Original Permit Number PHY 53495**

21 **and**

22 **RUSSELL DEAN SANDERS**
22 **P.O. Box 9**
23 **Grenada, CA 96038-0009**

24 **Original Pharmacist License No. RPH 30311**

25 **Respondents.**

26 **///**

27 **///**

1 Complainant alleges:

2 PARTIES

3 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
4 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

5 2. On or about November 1, 1984, the Board of Pharmacy issued Original Permit
6 Number PHY 30855 to Raley's Corp. dba Raley's Pharmacy #247 (Respondent Raley's). The
7 Original Permit was in full force and effect at all times relevant to the charges brought herein,
8 however it was canceled on May 20, 2015 pursuant to a change of ownership and has not been
9 renewed.

10 3. On or about May 19, 2015, the Board of Pharmacy issued Original Permit Number
11 PHY 53495 to Raley's Holding Company dba Raley's Pharmacy #247 (Respondent Raley's).
12 The Original Permit is in full force and effect and will expire on May 1, 2016, unless renewed.

13 4. On or about June 22, 1976, the Board of Pharmacy issued Original Pharmacist
14 License Number RPH 30311 to Russell Dean Sanders (Respondent Sanders). Respondent
15 Sanders was the Pharmacist-in-Charge of Respondent Raley's from May 3, 1990 through January
16 18, 2014. The Original Pharmacist License was in full force and effect at all times relevant to the
17 charges brought herein, however it expired on September 30, 2014, and has not been renewed.

18 JURISDICTION

19 5. This Accusation is brought before the Board of Pharmacy (Board), Department of
20 Consumer Affairs, under the authority of the following laws. All section references are to the
21 Business and Professions Code unless otherwise indicated.

22 6. Code section 4300.1 states:

23 The expiration, cancellation, forfeiture, or suspension of a board-issued
24 license by operation of law or by order or decision of the board or a court of law, the
25 placement of a license on a retired status, or the voluntary surrender of a license by a
26 licensee shall not deprive the board of jurisdiction to commence or proceed with any
27 investigation of, or action or disciplinary proceeding against, the licensee or to render
28 a decision suspending or revoking the license.

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BUSINESS AND PROFESSIONS CODE

7. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code. ...

8. Code section 4081 states:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge, responsible manager, or designated representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge, responsible manager, or designated representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

HEALTH AND SAFETY CODE

9. Health and Safety Code section 11153 states, in pertinent part:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use. ...

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CONTROLLED SUBSTANCES

14. "Hydrocodone w/APAP" (hydrocodone with acetaminophen tablets) is a semisynthetic narcotic analgesic, a dangerous drug as defined in Code section 4022, a Schedule III controlled substance and narcotic as defined by section 11056(e) of the Health and Safety Code, and a Schedule III controlled substance as defined by section 1308.13(e) of Title 21 of the Code of Federal Regulations.

15. "Carisoprodol" is a muscle-relaxant and sedative. It is a dangerous drug as defined in Code section 4022 and a schedule IV controlled substance as defined by section 1308.14(c)(6) of Title 21 of the Code of Federal Regulations.

16. "Oxycodone" with acetaminophen and oxycodone with aspirin both contain oxycodone, a white odorless crystalline powder derived from the opium alkaloid, thebaine. Oxycodone is a semisynthetic narcotic analgesic with multiple actions qualitatively similar to those of morphine. It is a dangerous drug as defined in Code section 4022, a schedule II controlled substance and narcotic as defined by section 11055(b)(1)(M) of the Health and Safety Code, and a Schedule II controlled substance as defined by section 1308.12(b)(1) of Title 21 of the Code of Federal Regulations.

BACKGROUND

Events occurring in 2013

17. On or about September 24, 2013, the Board received a complaint alleging that during a two-month period, Respondent Sanders, as the Pharmacist-in-Charge of Respondent Raley's, failed to consider red-flag warnings and dispensed controlled substances to over eight people from a physician 450 miles away in Fresno, Dr. J. F.

18. In response to the complaint, Board Inspector K. R.-P. ("Inspector") requested CURES¹ reports for Dr. J. F. (from January 1, 2012 through October 10, 2013) and Respondent Raley's (from January 1 through October 10, 2013).

¹ CURES is a database containing information on Schedule II through IV controlled substances dispensed in California. It is a valuable investigative, preventive, and educational tool for the healthcare community, regulatory boards, and law enforcement.

1 19. The Inspector reviewed the CURES reports and selected the following patients which
2 had prescriptions written by Dr. J. F.: A. F., B. B., D. W., E. N., E. B., J. N., S. W., and D. M.
3 The Inspector requested various information from Respondents Raley's and Sanders regarding
4 prescriptions that had been issued to these patients from January 1, 2011 through November 4,
5 2013. When Sanders responded to the request, he admitted filling the referenced prescriptions
6 from May 18 through July 22, 2013. Sanders admitted there were oddities in the prescriptions in
7 that they were issued from Dr. J. F., in Fresno, for patients residing in Weed, California (which is
8 400 miles from Dr. J. F.'s office and twenty-four miles from Raley's). Sanders also admitted that
9 all of the prescriptions were brought in by a "caregiver," R. B., who picked up prescriptions for
10 six of the seven patients. Sanders further admitted that all seven patients paid cash for their
11 prescriptions; no third-party insurance was billed.

12 20. According to prescription documents provided by Respondent Raley's, Raley's filled
13 a total of twenty-two prescriptions written by Dr. J. F. between January 1 and October 10, 2013.

14 The Inspector confirmed twenty prescriptions with CURES data reports from Dr. J. F. and
15 Raley's.

16 21. A review of the patient profiles from the CURES report, selected by the Inspector,
17 which had prescriptions written by Dr. J. F. and filled by Respondent Raley's between May 18
18 and July 22, 2013, revealed the following: (1) all seven of the patients received oxycodone 30 mg
19 (2) six of the seven patients received hydrocodone/apap 10/325mg; (3) six of the seven patients
20 received carisoprodol 350mg; (4) two of the seven patients received meloxicam 15mg; (5) two of
21 the seven patients received ibuprofen 800mg; (6) one of the seven patients received alprazolam
22 2mg; and (7) two of the seven patients received methadone 10mg. Every prescription presented
23 was filled and picked up.

24 **Events occurring in 2014**

25 22. On or about September 11, 2014, Respondent Raley's provided the Board with a copy
26 of Report of Theft or Loss of Controlled Substances DEA Form 106 stating that a Pharmacy
27 Clerk had been terminated for theft of hydrocodone/apap 10mg/325mg on or about September 6,
28 2014.

23. On or about October 22, 2014, the Board received an audit summary from Respondent Raley's regarding the amount of loss/theft of hydrocodone/apap. The audit summary indicated the following:

	<u>Count at Last Inventory</u>	<u>Purchases</u>	<u>Dispensed RXs</u>	<u>Returns/ Destruction</u>	<u>Actual Inventory 10/9/14 COB</u>	<u>Variance</u>
<u>DRUG</u>						
hc/apap 10/325	6,368	118,421	121,888	0	564	-2,337
hc/apap 5/300	432	700	913	0	160	-59
hc/apap 5/500	1,667	57,900	59,102	0	0	-465
hc/apap 7.5/500	1,240	0	120	1,120	0	0
hc/apap 7.5/325	120	1,720	1,590	0	230	-20
hc/apap 5/325	624	10,170	10,715	0	0	-79

24. Board Inspector J. W. reviewed the audit summary and discovered several discrepancies with the identification of the reported drug loss. J. W. subsequently requested a corrected or updated audit summary.

25. On or about February 9, 2015, the Board received an updated audit summary from Respondent Raley's. The audit summary indicated the following:

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	<u>Count at Last Inventory</u>	<u>Purchases</u>	<u>Dispensed RXs</u>	<u>Returns/ Destruction</u>	<u>Actual Inventory 10/9/14 COB</u>	<u>Variance</u>	
1							
2							
3	<u>DRUG</u>						
4	hc/apap 10/325	6,368	118,421	121,888	0	564	-2,337
5							
6	hc/apap 5/300	432	700	913	0	160	-59
7							
8	hc/apap 5/325	1,667	57,900	59,102	0	0	-465
9							
10	hc/apap 5/500	1,240	0	120	1,120	0	0
11							
12	hc/apap 7.5/500	120	1,720	1,590	0	230	20
13							
	hc/apap 7.5/325	624	10,170	10,715	0	0	-79

26. On or about February 17, 2015, Board Inspector J. W. obtained Respondent Raley's DEA inventory for 2014 and DEA inventory of hydrocodone/apap products from October 6, 2014 (a snapshot showing inventory for that day).

27. On or about February 19, 2015, Respondent Raley's Pharmacist-in-Charge provided Board Inspector J. W. with Raley's perpetual inventory log sheets for several hydrocodone/apap products from October 6-20, 2015.

28. Using the DEA inventories and Respondent Raley's perpetual inventory log sheets, Board Inspector J. W. reviewed Raley's updated audit summary and discovered a discrepancy in the identification of the reported drug loss. Specifically, J. W. noted that 564 dosage units were reported as ending inventory by Raley's for hydrocodone/apap 10mg/325mg, however the perpetual inventory logs revealed that ending inventory was 156 dosage units. J. W. calculated the following numbers for beginning and ending inventory as follows:

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	<u>Count at Last Inventory</u>	<u>Purchases</u>	<u>Dispensed RXs</u>	<u>Returns/ Destruction</u>	<u>Actual Inventory 10/9/14 COB</u>	<u>Variance</u>	
1							
2							
3	<u>DRUG</u>						
4	hc/apap 10/325	6,368	118,421	121,888	0	156	-2,745
5							
6	hc/apap 5/300	374	700	913	0	160	-1
7							
8	hc/apap 5/325	1,667	57,900	59,102	0	0	-465
9							
10	hc/apap 5/500	1,240	0	120	1,120	0	0
11							
12	hc/apap 7.5/500	120	1,720	1,590	0	230	0
13							
13	hc/apap 7.5/325	624	10,170	10,715	0	0	-79

30. Based upon Board Inspector J. W.'s corrected audit summary for Respondent Raley's, Raley's failed to account for the loss of approximately 2,745 dosage units of hydrocodone/apap 10mg/325mg, one dosage unit of hydrocodone/apap 5mg/300mg, 465 dosage units of hydrocodone/apap 5mg/325mg, and seventy-nine dosage units of hydrocodone/apap 7.5mg/325 mg.

RESPONDENT RALEY'S

FIRST CAUSE FOR DISCIPLINE

(Responsibility for Legitimacy of Prescription; Corresponding Responsibility of Pharmacist; Knowing Violation)

31. Respondent Raley's is subject to disciplinary action under Code section 4301(d), by and through Health and Safety Code section 11153(a) and Code of Federal Regulations, title 21, section 1306.04(a), in that Raley's, by and through its pharmacist employees, excessively furnished controlled substances without a legitimate medical purpose to seven patients between May 18 and July 22, 2013. The facts and circumstances are described with more particularity in paragraphs 17-21, above.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unsecured Pharmacy)**

3 32. Respondent Raley's is subject to disciplinary action under California Code of
4 Regulations, section 1714(b), in that Raley's facilities, space, fixtures, and equipment were not
5 maintained so that drugs were safely and properly maintained, secured, and distributed, when a
6 pharmacy clerk employed by Raley's stole hydrocodone/apap 10mg/325mg on or before
7 September 6, 2014. The circumstances are described with more particularity in paragraph 22,
8 above.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Failure to Maintain Current Inventory)**

11 33. Respondent Raley's is subject to disciplinary action under Code section 4081(a), and
12 California Code of Regulations, title 16, section 1718, in that Raley's, by and through its
13 pharmacist employees, failed to keep an accurate controlled substance current inventory for at
14 least three years after the date of the inventory, as alleged above in paragraphs 22-30.

15 **RESPONDENT SANDERS**

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Responsibility for Legitimacy of Prescription; Corresponding Responsibility of**
18 **Pharmacist; Knowing Violation)**

19 34. Respondent Sanders is subject to disciplinary action under Code section 4301(d), by
20 and through Health and Safety Code section 11153(a) and Code of Federal Regulations, title 21,
21 section 1306.04(a), in that Sanders, as the Pharmacist-in-Charge of Respondent Raley's, allowed
22 the excessive furnishing of controlled substances by Raley's pharmacist employees without a
23 legitimate medical purpose to seven patients between May 18 and July 22, 2013. The facts and
24 circumstances are described with more particularity in paragraphs 17-21, above.

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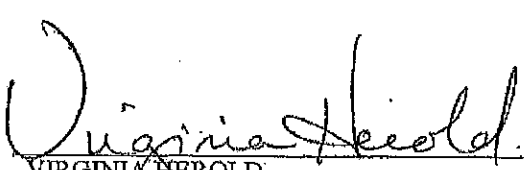
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Original Permit Number PHY 30855, issued to Raley's Corp. dba Raley's Pharmacy #247;
2. Revoking or suspending Original Permit Number PHY 53495, issued to Raley's Holding Company dba Raley's Pharmacy #247;
3. Revoking or suspending Original Pharmacist License Number RPH 30311, issued to Russell Dean Sanders;
4. Ordering Raley's Corp. dba Raley's Pharmacy # 247, Raley's Holding Company dba Raley's Pharmacy #247, and Russell Dean Sanders to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
5. Taking such other and further action as deemed necessary and proper.

DATED: 2/20/16


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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